

Matthew L. Sharp, Esq.
Nevada Bar No. 4746
MATTHEW L. SHARP. LTD.
432 Ridge Street
Reno, Nevada 89501
Phone: (775) 324-1500
Email: matt@mattsharplaw.com

Attorneys for Plaintiffs

[Additional Counsel Listed Below]

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHAEL RUTH, and OTILDA
LAMONT, Derivatively on Behalf of
CANNAVEST CORP.,

Plaintiffs,

v.

MICHAEL MONA, JR., BART P.
MACKAY, and LARRY RASKIN,

Defendants,

and

CANNAVEST CORP.,

Nominal Defendant.

Case No.: 2:15-cv-00481-RFB-VCF

**SCHEDULE FOLLOWING
EXPIRATION OF STAY**

Plaintiffs Michael Ruth and Otilda Lamont (“Plaintiffs”) and defendants Michael Mona, Jr., Bart P. Mackay, Larry Raskin, and CV Sciences, Inc., formerly known as CannaVest Corp. (“Defendants”) jointly state:

Plaintiffs filed their Second Amended Shareholder Derivative Complaint (the “Complaint”) against Defendants on May 30, 2018. (Dkt. 51).

1 This action, and the allegations in the Complaint, involve largely the same
2 facts and issues alleged in the related action styled as *In re: CannaVest Corp.,*
3 *Securities Litigation*” under Case No. 14-cv-2900, filed in the United States
4 District Court for the Southern District of New York (“New York Federal
5 Securities Action”).

6 This court entered an Order on July 17, 2018, imposing a stay of the action
7 and discovery pursuant to stipulation, until the earlier of (i) the close of fact
8 discovery in the New York Federal Securities Action, or (ii) the deadline for
9 appealing a dismissal of the New York Federal Securities Action with prejudice.
10 (“Stay Order”; Dkt. 54). Under the terms of the Stay Order, Defendants did not
11 need to respond to the Complaint.

12 On March 31, 2019, the United States District Court for the Southern
13 District of New York entered an order, denying in part and granting in part, the
14 motion to dismiss the New York Federal Securities Action.

15 On June 28, 2019, the plaintiffs in the New York Federal Securities Action
16 filed a Stipulation of Dismissal with Prejudice.

17 On July 2, 2019, the United States District Court for the Southern District
18 of New York entered an order dismissing, with prejudice, the New York Federal
19 Securities Action (“Dismissal Order”). The court entered the Dismissal Order
20 pursuant to a stipulation under Federal Rule 41(a), with each party bearing their
21 own costs and fees.

22 Pursuant to the Stay Order, the parties in this action “Within thirty (30)
23 days of the expiration of the stay,” must “jointly submit to the Court a proposed
24 schedule for further proceedings in this action.” (Dkt. 54, p. 4). Accordingly, the
25 parties propose a schedule of events follows:

- 26 1. Defendants’ deadline to file and serve a response to the Complaint:
27 September 6, 2019;

- 1 2. Plaintiffs' deadline to file and serve any opposition to any motion filed
2 in response to the Complaint: 45 days after the filing of such motion;
3 3. Defendants' deadline to file and serve any reply to Plaintiffs' opposition:
4 21 days after the filing of such opposition.

5 The parties propose that additional case management dates be set upon
6 resolution of any motion filed in response to the Complaint.

7 Dated: August 1, 2019

Dated: August 1, 2019

8 **MATTHEW L. SHARP, LTD.**

**PROCOPIO, CORY,
HARGREAVES & SAVITCH, LLP**

9 /s/ Matthew L. Sharp

/s/ S. Todd Neal

10 Matthew L. Sharp
11 Nevada Bar No. 4746
12 432 Ridge Street
13 Reno, NV 89501
14 Phone: (775) 324-1500
15 matt@mattsharp.com

S. Todd Neal (Admitted *Pro Hac*
Vice)
Sean M. Sullivan (Admitted *Pro Hac*
Vice)
525 B. Street, Suite 2200
San Diego, CA 92101
todd.neal@procopio.com
sean.sullivan@procopio.com

16 and

17 Thomas J. McKenna (Admitted
18 *pro hac vice*)

19 **GAINEY McKENNA &
EGLESTON**

20 440 Park Ave. South, 5th Floor
21 New York, New York 10016
22 Phone: (212) 983-1300
23 Fax: (212) 983-0383
tjmckenna@gme-law.com

24 *Counsel for Plaintiffs*

and

William R. Urga
Nevada Bar No. 1195
**JOLLEY URG A WOODBURY
HOLTHUS & ROSE**
330 S. Rampart Blvd., Suite 380
Las Vegas, Nevada 89145
Telephone: 702.699.7500
Facsimile: 702.699.7555
wru@juwlaw.com

IT IS HEREBY
ORDERED that a status
hearing is scheduled for
10:00 AM, December 2,
2019, in Courtroom 3D.

25 IT IS SO ORDERED.

26 

27 UNITED STATES MAGISTRATE JUDGE

28 DATED: August 2, 2019